

Regulatory Language

Subsections 632(a); 632(b)(1) through 632(b)(29); 632(b)31 through 632(b)(50); 632(b)(52) though 632(b)(58); and 632(b)(60) through 632(b)(101), Title 14, CCR remain unchanged.

Subsection 632(b)(30), Title 14, CCR is amended to read:

...

(30) Elkhorn Slough State Marine Reserve.

(A) This area includes the waters below mean high tide within Elkhorn Slough lying east of longitude 121° 46.40' W. and south of latitude ~~36° 50.50' N~~36° 50.40' N.

(B) Take of all living marine resources is prohibited.

...

Subsection 632(b)(51), Title 14, CCR is amended to read:

...

(51) Morro Bay State Marine Recreational Management Area.

(A) This area includes the area below mean high tide within Morro Bay east of the Morro Bay entrance breakwater and west of longitude 120° 50.34' W.

(B) Recreational hunting of waterfowl is allowed unless otherwise restricted by hunting regulations (sections 502, 550, 551, and 552).

(C) Take of all living marine resources is prohibited except the following activities are allowed north of latitude 35° 19.70' N:

1. The recreational take of finfish.

2. Aquaculture of oysters, pursuant to a valid State water bottom lease and permit

3. Storing finfish taken outside the Morro Bay State Marine Recreational Management Area in a receiver for bait purposes.

4. Dredging for the purpose of harbor and channel operations and pursuant to required and valid permits and approvals.

5. Harbor operations and maintenance and cleaning of vessel hulls and other man-made structures, including removal of living marine resources for these purposes.

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Subsection 632(b)(89), Title 14, CCR is amended to read:

...

(89) Dana Point State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, a distance of 1200 feet seaward of mean lower low water, and the following points:

33° 27.74' N. lat. 117° 42.95' W. long.;

33° 27.74' N. lat. 117° 43.18' W. long.;

33° 27.47' N. lat. 117° 42.28' W. long.; and

33° 27.63' N. lat. 117° 42.45' W. long.

(B) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally below the mean lower low-water mark: lobster, rockfish (family Scorpaenidae), greenling, lingcod, cabezon,

yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass, barred sand bass, sargo, croaker, queenfish, California corbina, white seabass, opaleye, halfmoon, surfperch (family Embiotocidae), blacksmith, Pacific barracuda, California sheephead, Pacific bonito, California halibut, sole, turbot, and sanddab. Finfish shall be taken only by hook and line or by spearfishing gear.

2. Only spiny lobster may be taken commercially.

(C) Except as expressly provided in this section, it is unlawful to enter the intertidal zone in the Dana Point State Marine ~~Park~~Conservation Area for the purpose of taking or possessing, or to take or possess, any species of fish, plant, or invertebrate, or part thereof; to use or have in possession any contrivance designed to be used for catching fish; to disturb any native plant, fish, wildlife, aquatic organism; or to take or disturb any natural geological feature. This subdivision does not prohibit persons from entering the intertidal zone for the purpose of entertainment, recreation, and education while having a minimum impact on the intertidal environment and the living organisms therein. For this purpose, minimum impact includes foot traffic; general observation of organisms in their environment with immediate replacement of any unattached organisms to their natural location after temporary lifting for examination; and photography. Minimum impact does not include removal of attached organisms from their environment; gathering of fishing bait; littering, collecting rocks and shells; or turning rocks or other acts destructive to the environment.

(D) The department director may appoint a director of the Dana Point State Marine ~~Park~~Conservation Area.

(E) The director of the Dana Point State Marine ~~Park~~Conservation Area may issue a special collecting permit authorizing any person to enter the ~~park~~Conservation Area for the purposes of scientific collecting under the conditions of a scientific collector's permit issued by the department.

(F) Notwithstanding subsections 632(b)(88)(B) or 632(b)(88)(C), the director of the Dana Point State Marine ~~Park~~Conservation Area, or any person who has a scientific collector's permit from the department and to whom the director of the Dana Point State Marine ~~Park~~Conservation Area has issued a special collecting permit may take, for scientific purposes, any fish or specimen of marine plant life under the conditions prescribed by the department.

(G) This section does not prohibit the entry of state and local law enforcement officers, fire suppression agencies, and employees of the department in the performance of their official duties. This section does not prohibit or restrict navigation in the Dana Point State Marine ~~Park~~Conservation Area pursuant to federal law.

...

Subsequent sections remain unchanged.

Note: Authority cited: Sections 200, 202, 203.1, 205(c), 219, 220, 1590, 1591, 2860, 2861, and 6750, Fish and Game Code; and Sections 36725(a) and 36725(e), Public Resources Code. Reference: Sections 200, 202, 203.1, 205(c), 219, 220, 1580, 1583, 2861, 5521, 6653, 8420(e) and 8500, Fish and Game Code; and Sections 36700(e), 36710(e), 36725(a) and 36725(e), Public Resources Code.